

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CR 23-33 KWR

KEITH DIEMER,

Defendant.

**BY THE DIRECTION OF THE HONORABLE KEA W. RIGGS:**

**JURY TRIAL NOTICE**

**PLEASE TAKE NOTICE** that the above entitled action is hereby set for **JURY SELECTION/TRIAL ON A TRAILING DOCKET ON May 15, 2023, at 9:00 a.m.**, before the Honorable Kea W. Riggs, at the Pete V. Domenici Courthouse, Bonito Courtroom, 333 Lomas Blvd., Albuquerque, New Mexico. Counsel shall adhere to all deadlines set forth herein as well as the Instructions attached herewith.

<u>Event</u>	<u>Date/Deadline</u>
<b>JURY SELECTION/TRIAL</b>	<b>May 15, 2023, at 9:00 a.m.</b> (trailing docket)
Jury Instructions	2 weeks prior to jury selection
Motions in Limine	due 14 calendar days prior to jury selection
Responses to Motions in Limine	due 7 calendar days prior to jury selection
Calendar Call	<b>May 4, 2023, at 9:00 a.m.</b> (trailing docket)

Please refer to the attached “Preparation for Trial before the Honorable Kea W. Riggs” for pretrial deadlines. Also included are additional guidelines for trial preparation, including proposed jury instructions and submission of electronically formatted exhibits.

**REGARDING MOTIONS TO CONTINUE TRIAL**

**Motions for continuance in criminal cases must satisfy the enumerated factors set forth in 18 U.S.C. § 3161(H)(7)(A). In cases involving multiple defendants, counsel must file a joint motion for continuance with all counsel approving said motion. MOTIONS TO CONTINUE MUST COMPLY WITH THE SPECIFIC REQUIREMENTS SET FORTH IN *UNITED STATES V. TOOMBS*, 574 F.3D 1262 (10TH CIR. 2009). THE MOTION “MUST CONTAIN AN EXPLANATION OF WHY THE MERE OCCURRENCE OF THE EVENT IDENTIFIED BY THE PARTY AS NECESSITATING THE CONTINUANCE RESULTS IN THE NEED FOR ADDITIONAL TIME.” *ID.* AT 1271.**

**MOTIONS CONTAINING SHORT, CONCLUSORY STATEMENTS REGARDING THE REASON A CONTINUANCE IS REQUESTED ARE INSUFFICIENT UNDER *TOOMBS* AND WILL BE SUMMARILY DENIED BY THE COURT.**

**To conserve judicial resources, ALL MOTIONS TO CONTINUE TRIAL MUST BE FILED NO LATER THAN APRIL 24, 2023.**

**Inquiries should be directed to Carol Bevel, Courtroom Deputy to Judge Riggs at 505-348-2356.**

**TRAILING TRIAL DOCKET:**

Counsel are referred to the trailing docket of cases as they appear for jury/selection trial on the Public Court Calendar for May 2023. The order in which cases appear on the Court Calendar does not necessarily reflect the order in which cases will be tried.

A handwritten signature in black ink, appearing to read 'Kea W. Riggs', with a stylized, cursive script.

KEA W. RIGGS  
UNITED STATES DISTRICT JUDGE